

Calendar No. 955

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# H. R. 12652

[Report No. 92-1006]

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IN THE SENATE OF THE UNITED STATES

MAY 2, 1972

Read twice and referred to the Committee on the Judiciary

AUGUST 1, 1972

Reported by Mr. HRUSKA, with amendments

[Omit the part struck through and insert the part printed in italic]

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## AN ACT

To extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *TITLE I—EXTENSION OF LIFE OF COMMIS-*

4 *SION ON CIVIL RIGHTS*

5 ~~That section~~ *SEC. 101. Section 102 (j) of the Civil Rights*  
6 *Act of 1957 (42 U.S.C. 1975a (j) ; 71 Stat. 635), as*  
7 *amended, is further amended by striking therefrom the first*  
8 *and second sentences and substituting therefor the following:*  
9 *“A witness attending any session of the Commission shall*

II

1 be paid the same fees and mileage that are paid witnesses in  
2 the courts of the United States.”

3       ~~SEC. 2-~~ 102. Section 103 (a) of the Civil Rights Act of  
4 1957 (42 U.S.C. 1975b (a) ; 71 Stat. 635), as amended, is  
5 further amended by striking therefrom “the sum of \$100 per  
6 day for each day spent in the work of the Commission,” and  
7 substituting therefor “a sum equivalent to the compensation  
8 paid at level IV of the Federal Executive Salary Schedule,  
9 pursuant to section 5315 of title 5, United States Code, pro-  
10 rated on a daily basis for each day spent in the work of the  
11 Commission,”.

12       ~~SEC. 3-~~ 103. Paragraph (1) of subsection (a) of section  
13 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c (a) ;  
14 71 Stat. 635), as amended, is further amended by inserting  
15 immediately after “religion,” the following: “sex,” and  
16 paragraphs (2), (3), and (4) of subsection (a) of such  
17 section 104 are each amended by inserting immediately after  
18 “religion” the following: “, sex”.

19       ~~SEC. 4-~~ 104. Section 104 (b) of the Civil Rights Act of  
20 1957 (42 U.S.C. 1975c (b) ; 71 Stat. 635), as amended, is  
21 further amended by striking therefrom “January 31, 1973”  
22 and substituting therefor “the last day of fiscal year 1978”.

23       ~~SEC. 5-~~ 105. Section 105 of the Civil Rights Act of 1957  
24 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further  
25 amended as follows:

1 In section 105 (a) by striking out in the last sentence  
2 thereof "as authorized by section 15 of the Act of August 2,  
3 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for indi-  
4 viduals not in excess of \$100 per diem," and substituting  
5 therefor "as authorized by section 3109 of title 5, United  
6 States Code, but at rates for individuals not in excess of the  
7 daily equivalent paid for positions at the maximum rate for  
8 GS-15 of the General Schedule under section 5332 of title  
9 5, United States Code".

10 SEC. 6. ~~106.~~ Section 106 of the Civil Rights Act of  
11 1957 (42 U.S.C. 1975c; 71 Stat. 636), as amended, is  
12 further amended to read as follows:

13 "SEC. 106. For the purposes of carrying out this Act,  
14 there is authorized to be appropriated for the fiscal year  
15 ending June 30, 1973, the sum of ~~\$6,500,000~~, \$5,500,000,  
16 and for each fiscal year thereafter through June 30, 1978,  
17 the sum of ~~\$8,500,000~~." \$7,000,000."

18 *TITLE II—PROTECTION OF CONSTITUTIONAL*  
19 *RIGHTS OF GOVERNMENT EMPLOYEES*

20 *SEC. 201. It shall be unlawful for any officer of any*  
21 *executive department or any executive agency of the United*  
22 *States Government, or for any person acting or purporting*  
23 *to act under his authority, to do any of the following things:*

24 *(a) To require or request, or to attempt to require or*  
25 *request, any civilian employee of the United States serving*

1 in the department or agency, or any person seeking employ-  
2 ment in the executive branch of the United States Govern-  
3 ment, to disclose his race, religion, or national origin, or  
4 the race, religion, or national origin of any of his fore-  
5 bears: Provided, however, That nothing contained in this  
6 subsection shall be construed to prohibit inquiry concerning  
7 the citizenship of any employee or person if his citizen-  
8 ship is a statutory condition of his obtaining or retaining his  
9 employment: Provided further, That nothing contained in  
10 this subsection shall be construed to prohibit inquiry concern-  
11 ing the national origin or citizenship of any such employee or  
12 person or of his forebears, when such inquiry is deemed  
13 necessary or advisable to determine suitability for assignment  
14 to activities or undertakings related to the national security  
15 within the United States or to activities or undertakings of  
16 any nature outside the United States.

17 (b) To state or intimate, or to attempt to state or inti-  
18 mate, to any civilian employee of the United States serving  
19 in the department or agency that any notice will be taken of  
20 his attendance or lack of attendance at any assemblage, dis-  
21 cussion, or lecture held or called by any officer of the execu-  
22 tive branch of the United States Government, or by any per-  
23 son acting or purporting to act under his authority, or by any  
24 outside parties or organizations to advise, instruct, or in-  
25 doctrinate any civilian employee of the United States serving

1 in the department or agency in respect to any matter or  
2 subject other than the performance of official duties to which  
3 he is or may be assigned in the department or agency, or  
4 the development of skills, knowledge, or abilities which  
5 qualify him for the performance of such duties: Provided,  
6 however, That nothing contained in this subsection shall be  
7 construed to prohibit taking notice of the participation of a  
8 civilian employee in the activities of any professional group  
9 or association.

10 (c) To require or request, or to attempt to require or  
11 request, any civilian employee of the United States serving  
12 in the department or agency to participate in any way in  
13 any activities or undertakings unless such activities or under-  
14 takings are related to the performance of official duties to  
15 which he is or may be assigned in the department or agency,  
16 or to the development of skills, knowledge, or abilities which  
17 qualify him for the performance of such duties.

18 (d) To require or request, or to attempt to require  
19 or request, any civilian employee of the United States serv-  
20 ing in the department or agency to make any report con-  
21 cerning any of his activities or undertakings unless such  
22 activities or undertakings are related to the performance of  
23 official duties to which he is or may be assigned in the  
24 department or agency, or to the development of skills, knowl-  
25 edge, or abilities which qualify him for the performance of

1 such duties, or unless there is reason to believe that the  
2 civilian employee is engaged in outside activities or employ-  
3 ment in conflict with his official duties.

4 (e) To require or request, or to attempt to require or  
5 request, any civilian employee of the United States serving  
6 in the department or agency, or any person applying for  
7 employment as a civilian employee in the executive branch  
8 of the United States Government, to submit to any interroga-  
9 tion or examination or to take any psychological test which  
10 is designed to elicit from him information concerning his  
11 personal relationship with any person connected with him  
12 by blood or marriage, or concerning his religious beliefs or  
13 practices, or concerning his attitude or conduct with respect  
14 to sexual matters: Provided, however, That nothing con-  
15 tained in this subsection shall be construed to prevent  
16 a physician from eliciting such information or authorizing  
17 such tests in the diagnosis or treatment of any civilian  
18 employee or applicant where such physician deems such  
19 information necessary to enable him to determine whether  
20 or not such individual is suffering from mental illness: Pro-  
21 vided further, however, That this determination shall be  
22 made in individual cases and not pursuant to general practice  
23 or regulation governing the examination of employees or  
24 applicants according to grade, agency, or duties: Provided  
25 further, however, That nothing contained in this subsection

1 shall be construed to prohibit an officer of the department or  
2 agency from advising any civilian employee or applicant of a  
3 specific charge of sexual misconduct made against that per-  
4 son, and affording him an opportunity to refute the charge.

5 (f) To require or request, or attempt to require or  
6 request, any civilian employee of the United States serving  
7 in the department or agency, or any person applying for  
8 employment as a civilian employee in the executive branch  
9 of the United States Government, to take any polygraph  
10 test designed to elicit from him information concerning his  
11 personal relationship with any person connected with him  
12 by blood or marriage, or concerning his religious beliefs or  
13 practices, or concerning his attitude or conduct with respect  
14 to sexual matters.

15 (g) To require or request, or to attempt to require  
16 or request, any civilian employee of the United States serving  
17 in the department or agency to support by personal endeavor  
18 or contribution of money or any other thing of value the  
19 nomination or the election of any person or group of persons  
20 to public Office in the Government of the United States or of  
21 any State, district, Commonwealth, territory, or possession  
22 of the United States, or to attend any meeting held to pro-  
23 mote or support the activities or undertakings of any political  
24 party of the United States or of any State, district, Common-  
25 wealth, territory, or possession of the United States.

1       (h) To coerce or attempt to coerce any civilian  
2     employee of the United States serving in the department or  
3     agency to invest his earnings in bonds or other obligations  
4     or securities issued by the United States or any of its depart-  
5     ments or agencies, or to make donations to any institution  
6     or cause of any kind: Provided, however, That nothing con-  
7     tained in this subsection shall be construed to prohibit any  
8     officer of any executive department or any executive agency  
9     of the United States Government, or any person acting or  
10    purporting to act under his authority, from calling meetings  
11    and taking any action appropriate to afford any civilian em-  
12    ployee of the United States the opportunity voluntarily to  
13    invest his earnings in bonds or other obligations or securities  
14    issued by the United States or any of its departments or  
15    agencies, or voluntarily to make donations to any institution  
16    or cause.

17       (i) To require or request, or to attempt to require  
18    or request, any civilian employee of the United States  
19    serving in the department or agency to disclose any items  
20    of his property, income, or other assets, source of income,  
21    or liabilities, or his personal or domestic expenditures or  
22    those of any member of his family or household: Provided,  
23    however, That this subsection shall not apply to any civilian  
24    employee who has authority to make any final determination  
25    with respect to the tax or other liability of any person, cor-



1 poration, or other legal entity to the United States, or  
2 claims which require expenditure of moneys of the United  
3 States: Provided further, however, That nothing contained  
4 in this subsection shall prohibit the Department of the  
5 Treasury or any other executive department or agency of  
6 the United States Government from requiring any civilian  
7 employee of the United States to make such reports as may  
8 be necessary or appropriate for the determination of his  
9 liability for taxes, tariffs, custom duties, or other obliga-  
10 tions imposed by law.

11 (j) To require or request, or to attempt to require  
12 or request, any civilian employee of the United States  
13 embraced within the terms of the proviso in subsection (i)  
14 to disclose any items of his property, income, or other assets,  
15 source of income, or liabilities, or his personal or domestic  
16 expenditures or those of any member of his family or house-  
17 hold other than specific items tending to indicate a conflict  
18 of interest in respect to the performance of any of the official  
19 duties to which he is or may be assigned.

20 (k) To require or request, or to attempt to require or  
21 request, any civilian employee of the United States serving  
22 in the department or agency, who is under investigation for  
23 misconduct, to submit to interrogation which could lead to  
24 disciplinary action without the presence of counsel or other

1 person of his choice, if he so requests: Provided, however,  
2 That a civilian employee of the United States serving in the  
3 Central Intelligence Agency or the National Security Agency  
4 may be accompanied only by a person of his choice who  
5 serves in the agency in which the employee serves, or by  
6 counsel who has been approved by the agency for access to  
7 the information involved.

8 (l) To discharge, discipline, demote, deny promotion  
9 to, relocate, reassign, or otherwise discriminate in regard to  
10 any term or condition of employment of, any civilian em-  
11 ployee of the United States serving in the department or  
12 agency, or to threaten to commit any of such acts, by reason  
13 of the refusal or failure of such employee to submit to or  
14 comply with any requirement, request, or action made un-  
15 lawful by this Act, or by reason of the exercise by such  
16 civilian employee of any right granted or secured by this  
17 Act.

18 SEC. 202. It shall be unlawful for any officer of the  
19 United States Civil Service Commission, or for any person  
20 acting or purporting to act under his authority, to do any of  
21 the following things:

22 (a) To require or request, or to attempt to require or  
23 request, any executive department or any executive agency  
24 of the United States Government, or any officer or employee

1 serving in such department or agency, to violate any of the  
2 provisions of section 1 of this Act.

3 (b) To require or request, or to attempt to require or  
4 request, any person seeking to establish civil service status  
5 or eligibility for employment in the executive branch of the  
6 United States Government, or any person applying for  
7 employment in the executive branch of the United States  
8 Government, or any civilian employee of the United States  
9 serving in any department or agency of the United States  
10 Government, to submit to any interrogation or examination  
11 or to take any psychological test which is designed to elicit  
12 from him information concerning his personal relationship  
13 with any person connected with him by blood or marriage,  
14 or concerning his religious beliefs or practices, or concerning  
15 his attitude or conduct with respect to sexual matters: Pro-  
16 vided, however, That nothing contained in this subsection shall  
17 be construed to prevent a physician from eliciting such infor-  
18 mation or authorizing such tests in the diagnosis or treatment  
19 of any civilian employee or applicant where such physician  
20 deems such information necessary to enable him to determine  
21 whether or not such individual is suffering from mental ill-  
22 ness: Provided further, however, That this determination shall  
23 be made in individual cases and not pursuant to general prac-  
24 tice or regulation governing the examination of employees or  
25 applicants according to grade, agency, or duties: Provided

1 further, however, That nothing contained in this subsection  
2 shall be construed to prohibit an officer of the Civil Service  
3 Commission from advising any civilian employee or applicant  
4 on a specific charge of sexual misconduct made against that  
5 person, and affording him an opportunity to refute the charge.

6 (c) To require or request, or to attempt to require or  
7 request, any person seeking to establish civil service status or  
8 eligibility for employment in the executive branch of the  
9 United States Government, or any person applying for em-  
10 ployment in the executive branch of the United States Gov-  
11 ernment, or any civilian employee of the United States serving  
12 in any department or agency of the United States Govern-  
13 ment, to take any polygraph test designed to elicit from him  
14 information concerning his personal relationship with any  
15 person connected with him by blood or marriage, or concern-  
16 ing his religious beliefs or practices, or concerning his attitude  
17 or conduct with respect to sexual matters.

18 SEC. 203. It shall be unlawful for any commissioned offi-  
19 cer, as defined in section 101 of title 10, United States Code,  
20 or any member of the Armed Forces acting or purporting to  
21 act under his authority, to require or request, or to attempt  
22 to require or request, any civilian employee of the executive  
23 branch of the United States Government under his authority  
24 or subject to his supervision to perform any of the acts or

1 submit to any of the requirements made unlawful by section  
2 1 of this Act.

3       SEC. 204. Whenever any officer of any executive depart-  
4 ment or any executive agency of the United States Gov-  
5 ernment, or any person acting or purporting to act under his  
6 authority, or any commissioned officer as defined in section  
7 101 of title 10, United States Code, or any member of the  
8 Armed Forces acting or purporting to act under his author-  
9 ity, violates or threatens to violate any of the provisions of  
10 section 1, 2, or 3 of this Act, any civilian employee of the  
11 United States serving in any department or agency of the  
12 United States Government, or any person applying for  
13 employment in the executive branch of the United States  
14 Government, or any person seeking to establish civil service  
15 status or eligibility for employment in the executive branch  
16 of the United States Government, affected or aggrieved by  
17 the violation or threatened violation, may bring a civil action  
18 in his own behalf or in behalf of himself and others simi-  
19 larly situated, against the offending officer or person in  
20 the United States district court for the district in which the  
21 violation occurs or is threatened, or the district in which the  
22 offending officer or person is found, or in the United States  
23 District Court for the District of Columbia, to prevent  
24 the threatened violation or to obtain redress against the

1 consequences of the violation. The Attorney General shall  
2 defend all officers or persons sued under this section  
3 who acted pursuant to an order, regulation, or directive,  
4 or who, in his opinion, did not willfully violate the  
5 provisions of this Act. Such United States district court  
6 shall have jurisdiction to try and determine such civil action  
7 irrespective of the actuality or amount of pecuniary injury  
8 done or threatened, and without regard to whether the  
9 aggrieved party shall have exhausted any administrative  
10 remedies that may be provided by law, and to issue such  
11 restraining order, interlocutory injunction, permanent injunc-  
12 tion, or mandatory injunction, or enter such other judgment  
13 or decree as may be necessary or appropriate to prevent  
14 the threatened violation, or to afford the plaintiff and others  
15 similarly situated complete relief against the consequences of  
16 the violation. With the written consent of any person  
17 affected or aggrieved by a violation or threatened violation  
18 of section 1, 2, or 3 of this Act, any employee organization  
19 may bring such action on behalf of such person, or may  
20 intervene in such action. For the purposes of this section,  
21 employee organizations shall be construed to include any  
22 brotherhood, council, federation, organization, union, or pro-  
23 fessional association made up in whole or in part of civilian  
24 employees of the United States and which has as one of its  
25 purposes dealing with departments, agencies, commissions,

1 *and independent agencies of the United States concerning*  
2 *the condition and terms of employment of such employees.*

3       *SEC. 205. (a) There is hereby established a Board on*  
4 *Employees' Rights (hereinafter referred to as the "Board").*  
5 *The Board shall be composed of three members, appointed*  
6 *by the President, by and with the advice and consent of the*  
7 *Senate. The President shall designate one member as chair-*  
8 *man. No more than two members of the Board may be of*  
9 *the same political party. No member of the Board shall be*  
10 *an officer or employee of the United States Government.*

11       *(b) The term of office of each member of the Board*  
12 *shall be five years, except that (1) of those members first*  
13 *appointed, one shall serve for five years, one for three years,*  
14 *and one for one year, respectively, from the date of enact-*  
15 *ment of this Act, and (2) any member appointed to fill a*  
16 *vacancy occurring prior to the expiration of the term for*  
17 *which his predecessor was appointed shall be appointed for*  
18 *the remainder of such term.*

19       *(c) Members of the Board shall be compensated at the*  
20 *rate of \$75 a day for each day spent in the work of the*  
21 *Board, and shall be paid actual travel expenses and per*  
22 *diem in lieu of subsistence expenses when away from their*  
23 *usual places of residence, as authorized by section 5703 of*  
24 *title 5, United States Code.*

1       (d) Two members shall constitute a quorum for the  
2 transaction of business.

3       (e) The Board may appoint and fix the compensation  
4 of such officers, attorneys, and employees, and make such  
5 expenditures as may be necessary to carry out its functions,

6       (f) The Board shall make such rules and regulations  
7 as shall be necessary and proper to carry out its functions.

8       (g) The Board shall have the authority and duty to  
9 receive and investigate written complaints from or on be-  
10 half of any person claiming to be affected or aggrieved by  
11 any violation or threatened violation of this Act and to con-  
12 duct a hearing on each such complaint. Within ten days  
13 after the receipt of any such complaint the Board shall  
14 furnish notice of the time, place, and nature of the hearing  
15 thereon to all interested parties. The Board shall render its  
16 final decision with respect to any complaint within thirty  
17 days after the conclusion of its hearing thereon.

18       (h) Officers or representatives of any Federal employee  
19 organization in any degree concerned with employment of  
20 the category in which any alleged violation of this Act  
21 occurred or is threatened shall be given an opportunity to  
22 participate in each hearing conducted under this section,  
23 through submission of written data, views, or arguments,  
24 and in the discretion of the Board, with opportunity for oral  
25 presentation. Government employees called upon by any



1 party or by any Federal employee organization to participate  
2 in any phase of any administrative or judicial proceeding  
3 under this section shall be free to do so without incurring  
4 travel cost or suffering loss in leave or pay; and all such em-  
5 ployees shall be free from restraint, coercion, interference,  
6 intimidation, or reprisal in or because of their participation.  
7 Any periods of time spent by Government employees during  
8 such participation shall be held and considered to be Federal  
9 employment for all purposes.

10 (i) Insofar as consistent with the purposes of this sec-  
11 tion, the provisions of subchapter II of chapter 5 of title 5,  
12 United States Code, relating to the furnishing of notice and  
13 manner of conducting agency hearings, shall be applicable  
14 to hearings conducted by the Board under this section.

15 (j) If the Board shall determine after hearing that a  
16 violation of this Act has not occurred or is not threatened,  
17 the Board shall state its determination and notify all inter-  
18 ested parties of such determination. Each such determina-  
19 tion shall constitute a final decision of the Board for pur-  
20 poses of judicial review.

21 (k) If the Board shall determine that any violation  
22 of this Act has been committed or threatened by any civil-  
23 ian officer or employee of the United States, the Board shall  
24 immediately (1) issue and cause to be served on such of-  
25 ficer or employee an order requiring such officer or employee

1 to cease and desist from the unlawful act or practice which  
2 constitutes a violation, (2) endeavor to eliminate any such  
3 unlawful act or practice by informal methods of conference,  
4 conciliation, and persuasion, and (3) may—

5 (A)(i) in the case of the first offense by any civilian  
6 officer or employee of the United States, other than  
7 any officer appointed by the President, by and with the  
8 advice and consent of the Senate, issue an official reprimand  
9 against such officer or employee or order the suspension  
10 without pay of such officer or employee from  
11 the position or office held by him for a period of not to  
12 exceed fifteen days, and (ii) in the case of a second  
13 or subsequent offense by any such officer or employee,  
14 order the suspension without pay of such officer or employee  
15 from the position or office held by him for a  
16 period of not to exceed thirty days or order the removal  
17 of such officer or employee from such position or office;  
18 and

19 (B) in the case of any offense by any officer appointed  
20 by the President, by and with the advice and  
21 consent of the Senate, transmit a report concerning such  
22 violation to the President and the Congress.

23 (1) If the Board shall determine that any violation of  
24 this Act has been committed or threatened by any officer  
25 of any of the Armed Forces of the United States, or any

1 person purporting to act under authority conferred by such  
2 officer, the Board shall (1) submit a report thereon to the  
3 President, the Congress, and the Secretary of the military  
4 department concerned, (2) endeavor to eliminate any un-  
5 lawful act or practice which constitutes such a violation by  
6 informal methods of conference, conciliation, and persuasion,  
7 and (3) refer its determination and the record in the case  
8 to any person authorized to convene general courts-martial  
9 under section 822 (article 22) of title 10, United States  
10 Code. Thereupon such person shall take immediate steps  
11 to dispose of the matter under chapter 47 of title 10, United  
12 States Code (Uniform Code of Military Justice).

13 (m) Any party aggrieved by any final determination  
14 or order of the Board may institute, in the district court of  
15 the United States for the judicial district wherein the viola-  
16 tion or threatened violation of this Act occurred, or in the  
17 United States District Court for the District of Columbia,  
18 a civil action for the review of such determination or order.  
19 In any such action, the court shall have jurisdiction to (1)  
20 affirm, modify, or set aside any determination or order made  
21 by the Board which is under review, or (2) require the  
22 Board to make any determination or order which it is author-  
23 ized to make under subsection (k), but which it has refused  
24 to make. The reviewing court shall set aside any finding,  
25 conclusion, determination, or order of the Board as to which

1 complaint is made which is unsupported by substantial evi-  
2 dence on the record considered as a whole.

3 (n) The Board shall submit, not later than March 31  
4 of each year, to the Senate and House of Representatives,  
5 respectively, a report on its activities under this section dur-  
6 ing the immediately preceding calendar year, including a  
7 statement concerning the nature of all complaints filed with  
8 it, its determinations and orders resulting from hearings  
9 thereon, and the names of all officers or employees of the  
10 United States with respect to whom any penalties have been  
11 imposed under this section.

12 (o) There are authorized to be appropriated sums nec-  
13 essary, not in excess of \$100,000, to carry out the provisions  
14 of this section.

15 SEC. 206. Nothing contained in this Act shall be construed  
16 to prohibit an officer of the Central Intelligence Agency or  
17 of the National Security Agency from requesting any civilian  
18 employee or applicant to take a polygraph test, or to take a  
19 psychological test, designed to elicit from him information  
20 concerning his personal relationship with any person con-  
21 nected with him by blood or marriage, or concerning his  
22 religious beliefs or practices, or concerning his attitude or  
23 conduct with respect to sexual matters, or to provide a per-  
24 sonal financial statement, if the Director of the Central

1 *Intelligence Agency or his designee or the Director of the*  
2 *National Security Agency or his designee makes a personal*  
3 *finding with regard to each individual to be so tested or*  
4 *examined that such test or information is required to protect*  
5 *the national security.*

6 *SEC. 207. No civilian employee of the United States serv-*  
7 *ing in the Central Intelligence Agency or the National Secu-*  
8 *rity Agency, and no individual or organization acting in*  
9 *behalf of such employee, shall be permitted to invoke the pro-*  
10 *visions of sections 4 and 5 without first submitting a written*  
11 *complaint to the agency concerned about the threatened or ac-*  
12 *tual violation of this Act and affording such agency one*  
13 *hundred and twenty days from the date of such complaint to*  
14 *prevent the threatened violation or to redress the actual viola-*  
15 *tion: Provided, however, That nothing in this Act shall be*  
16 *construed to affect any existing authority of the Director of*  
17 *Central Intelligence under section 403(c), of title 50, United*  
18 *States Code, and any authorities available to the National*  
19 *Security Agency under section 833 of title 50, United States*  
20 *Code, to terminate the employment of any employee.*

21 *SEC. 208. Nothing in this Act shall be construed to affect*  
22 *in any way the authority of the Directors of the Central*  
23 *Intelligence Agency or the National Security Agency to pro-*  
24 *tect or withhold information pursuant to statute or executive*

1 order. The personal certification by the Director of the  
2 agency that disclosure of any information is inconsistent with  
3 the provision of any statute or Executive order shall be con-  
4 clusive and no such information shall be admissible in evi-  
5 dence in any interrogation under section 1(k) or in any  
6 civil action under section 4 or in any proceeding or civil  
7 action under section 5.

8       *SEC. 209. This Act shall not be applicable to the Federal*  
9 *Bureau of Investigation.*

10       *SEC. 210. Nothing contained in sections 4 and 5 shall*  
11 *be construed to prevent establishment of department and*  
12 *agency grievance procedures to enforce this Act, but the*  
13 *existence of such procedures shall not preclude any applicant*  
14 *or employee from pursuing the remedies established by this*  
15 *Act or any other remedies provided by law: Provided,*  
16 *however, That if under the procedures established, the em-*  
17 *ployee or applicant has obtained complete protection against*  
18 *threatened violations or complete redress for violations, such*  
19 *action may be pleaded in bar in the United States district*  
20 *court or in proceedings before the Board on Employee*  
21 *Rights: And provided further, That if an employee elects*  
22 *to seek a remedy under either section 4 or section 5, he*  
23 *waives his right to proceed by an independent action under*  
24 *the remaining section.*

1        *SEC. 211. If any provision of this Act or the application*  
2        *of any provision to any person or circumstance shall be held*  
3        *invalid, the remainder of this Act or the application of such*  
4        *provision to persons or circumstances other than those as to*  
5        *which it is held invalid, shall not be affected.*

Passed the House of Representatives May 1, 1972.

Attest:

W. PAT JENNINGS,

*Clerk.*

Calendar No. 955

92<sup>ND</sup> CONGRESS  
2<sup>ND</sup> SESSION

**H. R. 12652**

[Report No. 92-1006]

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## **AN ACT**

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To extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

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May 2, 1972

Read twice and referred to the Committee on the Judiciary

August 1, 1972

Reported with amendments